

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 WILLIE T. SMITH,

5 Plaintiff,

6 v.

7 AARON FORD, *et al.*,

8 Defendants.

Case No. 3:20-CV-0501-JAD-CLB

**ORDER GRANTING MOTION
FOR CLARIFICATION OR,
ALTERNATIVELY, EXTENSION
OF TIME**

[ECF Nos. 40, 41]

9
10 Defendant Douglas Thrasher's¹ ("Thrasher") motion for clarification of the Court's
11 order ECF No. 13 or, alternatively, for an extension of time, (ECF Nos. 40, 41) is
12 **GRANTED.**

13
14 Plaintiff Willie Smith ("Smith") appealed the Court's screening order. (ECF No. 11.)
15 The Court issued an order on June 22, 2021 staying this case until the conclusion of the
16 appeal. (ECF No. 13.) Thereafter, the Ninth Circuit ordered that the only portion of the
17 Court's screening order that was immediately appealable was "the portion of the order
18 denying preliminary injunctive relief." (ECF No. 14.) The Court advised the parties in a
19 hearing on July 30, 2021, that "this case will proceed with litigation." (ECF No. 20.)
20

21 Between July 30, 2021 and the present date, the Court has granted *in forma*
22 *pauperis* status to Smith, Defendants have accepted service and were served process,
23 and the Court denied Smith's motion to vacate the screening order and denied his motion
24 for summary judgment. (ECF Nos. 21, 25, 28, 30, 34.) Smith then filed a second notice
25

26
27 ¹ Thrasher is not a specially appearing party as service was accepted on his behalf
28 on August 30, 2021. (ECF No. 25.) Moreover, Defendant Sha'Kayla St. Mary was served
on September 20, 2021. (ECF No. 28.)

1 of appeal, (ECF No. 35), of the Court's order ECF No. 34. This appeal was docketed with
2 Ninth Circuit case number 21-16042. Thereafter, Smith filed an objection to this order in
3 the district court. (ECF No. 37.) Finally, Smith also filed a motion to strike his notice of
4 appeal which was forwarded to the Ninth Circuit for ruling. (ECF No. 39.)

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6 The above information is readily available from the Court's docket. Nevertheless,
7 due to the filing of the most recent notice of appeal, and to provide clarity going forward,
8 the Court hereby **STAYS** this matter until the Ninth Circuit has issued its final ruling related
9 to the most recent appeal, Case Number 21-164042. Any response to Smith's objection
10 to order ECF No. 34 shall be due fourteen days after the Ninth Circuit issues its final order
11 as described above.

12 **IT IS SO ORDERED.**

13
14 **DATED:** December 1, 2021.

15 
16 **UNITED STATES MAGISTRATE JUDGE**